

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RANDALL WILTZ, :
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Plaintiff, :
:
-against- :
:
NEW YORK UNIVERSITY; FRANKLIN :
DIAZ; ERIN LYNCH; COLLINS :
BUILDING SERVICES, LLC; ANGEL :
PERLAZA; CUSHMAN & WAKEFIELD, :
INC.; MICHAEL BRODERICK; CITY OF :
NEW YORK; STATE OF NEW YORK, :
:
Defendants. :
:
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1:18-cv-0123-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

On January 8, 2018, Plaintiff Randall Wiltz filed this action against Defendants New York University, Franklin Diaz, Erin Lynch, Collins Building Services, LLC, Angel Perlaza, Cushman & Wakefield, Inc., Michael Broderick, the City of New York, and the State of New York. Dkt. No. 2. Plaintiff filed an Amended Complaint on May 7, 2018. Dkt. No. 80. On August 3, 2018, the City of New York and the State of New York each filed motions to dismiss, along with memorandums of law and supporting materials. Dkt. Nos. 89-91, 105-106. The Court referred those motions to Magistrate Judge Stewart D. Aaron. Dkt. No. 59. Judge Aaron issued his Report and Recommendation (“R&R”) on February 1, 2019, recommending that both the City of New York’s and the State of New York’s motions to dismiss Plaintiff’s Amended Complaint be granted. Dkt. No. 143. The R&R advised that “the parties shall have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure.” *Id.* The Court denied

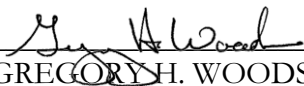
Plaintiff's request for an extension of time to file objections to the R&R, Dkt. No. 148, and the time to object has now expired.

In reviewing an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court must “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no timely objections are made, however, “a district court need only satisfy itself that there is no clear error on the face of the record.” *King v. Greiner*, No. 02 Civ. 5810, 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (citation omitted); *see also Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

After reviewing the record, the Court finds no clear error in Judge Aaron’s well-reasoned and careful R&R. Accordingly, the Court adopts the R&R in its entirety, and, for the reasons set forth therein, the City of New York’s and the State of New York’s motions to dismiss, Dkt. Nos. 89 and 105, are granted. The Clerk of Court is directed to close the motions pending at Dkt. Nos. 89 and 105 and to mail a copy of this order to Plaintiff by certified mail and by regular, first-class mail.

SO ORDERED.

Dated: February 19, 2019
New York, New York



GREGORY H. WOODS
United States District Judge